

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>ELTON LEROY PUMPHREY,</b>	)	
	)	
Petitioner,	)	
	)	
v.	)	Civ.Act.No. 08-297-GMS
	)	
<b>PERRY PHELPS,</b> Warden	)	
and <b>JOSEPH R. BIDEN, III,</b> Attorney	)	
General for the State of Delaware	)	
	)	
Respondents.	)	

**MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, Elton Pumphrey, has applied for federal habeas relief, alleging error by the state courts. D.I. 2. Respondents filed their response to that petition on September 2, 2008.
2. By the terms of the Court's order, the respondents are directed to attach to the answer certified copies of the state court records material to the questions raised in the petitioner's case.
3. Counsel has requested certified copies of petitioner's state court records. Once retrieved and collected, those documents will be forwarded to counsel promptly. Counsel anticipates that those documents should be filed on or before October 1, 2008.

4. Respondents submit that an extension of time to October 1, 2008, in which to file certified copies of the material portions of the state court records in this case is reasonable. Respondents submit herewith a proposed order.

/s/Kevin M. Carroll  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 4836  
Kevin.Carroll@state.de.us

DATE: September 2, 2008

**RULE 7.1.1 CERTIFICATION**

I hereby certify that I have neither sought nor obtained the consent of the petitioner, who is incarcerated and appearing *pro se*, to the subject matter of this motion.

/s/ Kevin M. Carroll  
Deputy Attorney General

Counsel for Respondents

Date: September 2, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on September 2, 2008, I electronically filed the attached documents with the Clerk of Court using CM/ECF. I also hereby certify that on September 2, 2008, I have mailed by United States Postal Service, the same documents to the following non-registered participant:

Elton Pumphrey  
No. 185250  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/Kevin M. Carroll  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 4836  
Kevin.Carroll@state.de.us

Date: September 2, 2008

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF DELAWARE**

**ELTON LEROY PUMPHREY,**

Petitioner,

V.

Civ.Act.No. 08-297-GMS

**PERRY PHELPS**, Warden  
and **JOSEPH R. BIDEN, III**, Attorney  
General for the State of Delaware

Respondents.

## ORDER

This \_\_\_\_\_ day of \_\_\_\_\_, 2008,

WHEREAS, respondents having requested an extension of time in which to file an answer, and

WHEREAS, it appearing to the Court that the requested extension is timely made  
and good cause has been shown for the extension,

IT IS HEREBY ORDERED that certified copies of Delaware state court records shall be filed on or before October 1, 2008.

United States District Judge